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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|-------------------|
| 10/807,981 | 03/24/2004 | Matthias Seufert | 11371-21 | 4468 |
| 7590 | 07/28/2005 | | EXAMINER | |
| Brinks Hofer Gilson & Lione P.O. Box 10395 Chicago, IL 60610 | | | | KENNEDY, JOSHUA T |
| | | ART UNIT | | PAPER NUMBER |
| | | 3679 | | |

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|-----------|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/807,981 | SEUFERT, MATTHIAS | |
| | Examiner | Art Unit | <i>JK</i> |
| | Joshua T. Kennedy | 3679 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 February 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-14 have been examined.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

Claims 6 and 7 are objected to because of the following informalities: "a the bracket" in line 1 of each respective claim should read -- the bracket --. Appropriate correction is required.

Claim 12 is objected to because of the following informalities: the use of "and/or" in the last line of the claim is improper. It is suggested that it be changed to read either "establishment of a force-fit and form-fit connection" or "establishment of a force-fit or form-fit connection." Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10-14

DPS
Claims 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10 and 11 recite the limitation "the locking mechanism" in the first line of each claim. There is insufficient antecedent basis for this limitation in these claims.

Claims 10-14 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting the necessary structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are:

Claims 10-12 merely recite purported merits without the recitation of any structural elements to perform the function.

Claim 13 lacks a structural relationship between the bracket and a lock which can be acted upon with a spring force.

Claim 14 lacks a structural relationship between the bracket and a lock which is operable to block a movement of the bracket out of the form-fit connection with the recess.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Riehm (US 5,647,682).

Regarding Claim 1. Riehm discloses a fastening system capable of fastening an object on a patient table, the fastening system comprising:

a fastening device (2b) having a horizontally extending recess (Fig 3) provided on at least one longitudinal side of the patient table; and
a bracket (B) adaptively shaped to engage with the recess,
wherein the bracket is insertable into the recess in a substantially traversal direction to the longitudinal extent of the recess with minimal frictional resistance to establish a force-fitting engagement (see Fig 1).

Regarding Claim 2. Riehm discloses a horizontally extending recess provided on at least one longitudinal side of the patient table; and

a bracket adaptively shaped to engage with the recess,
wherein the bracket is inserted into the recess in a substantially traversal direction to the longitudinal extent of the recess with minimal frictional resistance to establish a form-fitting engagement (Fig 1).

Regarding Claim 3. Riehm discloses an upper inside wall of the recess extending upwardly toward a back wall of the recess, and a portion of the bracket (B) is adapted to substantially engage with the upper inside wall of the recess toward the back wall of the recess (Fig 3).

Regarding Claim 4. Riehm discloses an upward widening of the recess is formed toward the back wall of the recess (Fig 3).

Regarding Claim 6. Riehm discloses a bracket (B) that is suitably shaped to accommodate an insertion of the bracket in the recess with minimal frictional resistance in a substantially traverse direction to the longitudinal direction of the recess to establish a force-fitting engagement between the recess and the bracket (Fig 1).

Regarding Claim 7. Riehm discloses a bracket (B) that is suitably shaped to accommodate an insertion of the bracket in the recess with minimal frictional resistance in a substantially traverse direction to the longitudinal direction of the recess to establish a form-fitting engagement between the recess and the bracket (Fig 1).

Regarding Claim 8. Riehm discloses a locking mechanism (8) that biases the bracket away from the recess via a spring (Examiner considers items 10a and 10b in interaction with item 8 to be a spring portion because it returns to its original state once released from extension by item 8) to strengthen the force-fitting engagement of the bracket with the recess.

Regarding Claim 9. Riehm discloses a locking mechanism (8) that biases the bracket away from the recess via a spring (Examiner considers items 10a and 10b to be a spring portion because it returns to its original state once released from extension by

locking mechanism 8) to strengthen the form-fitting engagement of the bracket with the recess.

Regarding Claim 10. As best understood and interpreted by the examiner, Riehm discloses a locking mechanism that minimizes inadvertent disengaging movements of the bracket out of the form-fitting engagement of the bracket with the recess (Fig 1), especially since Riehm has been shown to possess all of the structure set forth in the claims.

Regarding Claim 11. As best understood and interpreted by the examiner, Riehm discloses a locking mechanism that minimizes inadvertent disengaging movements of the bracket out of the force- fitting engagement of the bracket with the recess (Fig 1), especially since Riehm has been shown to possess all of the structure set forth in the claims.

Regarding Claim 12. As best understood and interpreted by the examiner, Riehm discloses a bracket for fastening an object on a patient table with a suitably desired recess, with the shape of the bracket being adapted to the recess in such a way that the bracket can be inserted without resistance into the recess in a direction of insertion independent of the direction or extent of the recess and can be lodged in the recess with automatic establishment of a force-fit and/or form fit connection (Figs 1 & 3).

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Regarding Claim 13. As best understood and interpreted by the examiner, Riehm discloses a bracket (B) having a lock (8) which can be acted upon with a spring force (Examiner considers the spring forces to be exerted by spring portions 10a and 10b upon interaction with the cam (8a) of the lock (8)).

Regarding Claim 14. As best understood and interpreted by the examiner, Riehm discloses a bracket having a lock which is operable to block a movement of the bracket out of the form-fit connection with the recess (Fig 1).

Claims 1, 3, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Daniels (US 4,305,442).

Regarding Claim 1. Daniels discloses a fastening system capable of fastening an object on a patient table, the fastening system comprising:

a fastening device (22) having a horizontally extending recess (Figs 7&8) provided on at least one longitudinal side of the patient table; and
a bracket (49) adaptively shaped to engage with the recess,
wherein the bracket is insertable into the recess in a substantially traversal direction to the longitudinal extent of the recess with minimal frictional resistance to establish a force-fitting engagement (Figs 7&8).

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Regarding Claim 3. Daniels discloses an upper inside wall of the recess extending upwardly toward a back wall of the recess, and a portion of the bracket (49) is adapted to substantially engage with the upper inside wall of the recess toward the back wall of the recess (Figs 7&8).

Regarding Claim 5. Daniels discloses the upper inside wall of the recess having a groove (68), which extends in a parallel direction to the longitudinal of extent of the recess, and the bracket has a lug (67) adapted to engage with the groove with minimal frictional resistance.

Note to Applicant regarding Daniels reference: A recitation with respect to the manner in which an apparatus is intended to be employed does not impose any structural limitation upon the claimed apparatus which differentiates it from a prior art reference disclosing the structural limitations of the claim. In re Pearson, 494 F.2d 1399, 181 USPQ 641 (CCPA 1974); In re Yanush, 477 F.2d 958, 177 USPQ 705 (CCPA 1973); In re Finsterwalder, 436 F.2d 1028, 168 USPQ 530 (CCPA 1971); In re Casey, 370 F.2d 576, 152 USPQ 235 (CCPA 1967); In re Otto, 312 F.2d 937, 136 USPQ 458 (CCPA 1963); Ex parte Masham, 2 USPQ2d 1647 (BdPatApp & Inter 1987).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 4614273 to Ishii cited to show a similar mounting connection having a bracket inserted into an horizontally extending recess with a form/force fit engagement

US 5472167 to Shillington cited to show a similar mounting connection having a bracket inserted into an horizontally extending recess with a form/force fit engagement

US 5857304 to Karten cited to show a similar mounting connection having a bracket inserted into an horizontally extending recess using a spring to bias the bracket away from the recess.

US 6557832 to Shreiner cited to show a similar mounting connection having a bracket inserted into an horizontally extending recess with a form/force fit engagement.

US 6588166 to Martensson cited to show a connector using a tongue and groove connection

US 20020122691 Wood cited to show a similar mounting connector having a recess with grooves for the reception of a lug.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua T. Kennedy whose telephone number is (571) 272-8297. The examiner can normally be reached on M-F: 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTK
7/15/2005



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